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By Representatives Lovick, Fisher, Mitchell, Cooper, G. Chandler, Delvin, Ogden and Campbell

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1 AN ACT Relating to abandoned vehicles; amending RCW 46.20.031,
2 46.20.289, 46.20.291, 46.20.311, 46.55.085, 46.55.105, 46.55.110,
3 46.63.030, and 46.63.110; creating a new section; and prescribing
4 penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 46.20.031 and 1999 c 6 s 7 are each amended to read as
7 follows:

8 The department shall not issue a driver's license to a person:

9 (1) Who is under the age of sixteen years;

10 (2) Whose driving privilege has been withheld unless and until the
11 department may authorize the driving privilege under RCW 46.20.311;

12 (3) Who has been classified as an alcoholic, drug addict, alcohol
13 abuser, or drug abuser by a program approved by the department of
14 social and health services. The department may, however, issue a
15 license if the person:

16 (a) Has been granted a deferred prosecution under chapter 10.05
17 RCW; or

18 (b) Is satisfactorily participating in or has successfully
19 completed an alcohol or drug abuse treatment program approved by the

1 department of social and health services and has established control of
2 his or her alcohol or drug abuse problem;

3 (4) Who has previously been adjudged to be mentally ill or insane,
4 or to be incompetent due to a mental disability or disease. The
5 department shall, however, issue a license to the person if he or she
6 otherwise qualifies and:

7 (a) Has been restored to competency by the methods provided by law;
8 or

9 (b) The superior court finds the person able to operate a motor
10 vehicle with safety upon the highways during such incompetency;

11 (5) Who has not passed the driver's licensing examination required
12 by RCW 46.20.120 and 46.20.305, if applicable;

13 (6) Who is required under the laws of this state to deposit proof
14 of financial responsibility and who has not deposited such proof;

15 (7) Who is unable to safely operate a motor vehicle upon the
16 highways due to a physical or mental disability. The department's
17 conclusion that a person is barred from licensing under this subsection
18 must be reasonable and be based upon good and substantial evidence.
19 This determination is subject to review by a court of competent
20 jurisdiction((;

21 ~~(8) Who has violated his or her written promise to appear, respond,~~
22 ~~or comply regarding a notice of infraction issued for abandonment of a~~
23 ~~vehicle in violation of RCW 46.55.105, unless:~~

24 ~~(a) The court has not notified the department of the violation;~~

25 ~~(b) The department has received notice from the court showing that~~
26 ~~the person has been found not to have committed the violation of RCW~~
27 ~~46.55.105; or~~

28 ~~(c) The person has paid all monetary penalties owing, including~~
29 ~~completion of community service, and the court is satisfied that the~~
30 ~~person has made restitution as provided by RCW 46.55.105(2)).~~

31 **Sec. 2.** RCW 46.20.289 and 1999 c 274 s 1 are each amended to read
32 as follows:

33 The department shall suspend all driving privileges of a person
34 when the department receives notice from a court under RCW
35 46.63.070((+5)) (6), 46.63.110(5), or 46.64.025 that the person has
36 failed to respond to a notice of traffic infraction, failed to appear
37 at a requested hearing, violated a written promise to appear in court,
38 or has failed to comply with the terms of a notice of traffic

1 infraction or citation, other than for ((a notice of a violation of RCW
2 46.55.105 or)) a standing, stopping, or parking violation. A
3 suspension under this section takes effect thirty days after the date
4 the department mails notice of the suspension, and remains in effect
5 until the department has received a certificate from the court showing
6 that the case has been adjudicated, and until the person meets the
7 requirements of RCW 46.20.311. In the case of failure to respond to a
8 traffic infraction issued under RCW 46.55.105, the department shall
9 suspend all driving privileges until all penalties have been paid. A
10 suspension under this section does not take effect if, prior to the
11 effective date of the suspension, the department receives a certificate
12 from the court showing that the case has been adjudicated.

13 **Sec. 3.** RCW 46.20.291 and 1998 c 165 s 12 are each amended to read
14 as follows:

15 The department is authorized to suspend the license of a driver
16 upon a showing by its records or other sufficient evidence that the
17 licensee:

18 (1) Has committed an offense for which mandatory revocation or
19 suspension of license is provided by law;

20 (2) Has, by reckless or unlawful operation of a motor vehicle,
21 caused or contributed to an accident resulting in death or injury to
22 any person or serious property damage;

23 (3) Has been convicted of offenses against traffic regulations
24 governing the movement of vehicles, or found to have committed traffic
25 infractions, with such frequency as to indicate a disrespect for
26 traffic laws or a disregard for the safety of other persons on the
27 highways;

28 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

29 (5) Has failed to respond to a notice of traffic infraction, failed
30 to appear at a requested hearing, violated a written promise to appear
31 in court, or has failed to comply with the terms of a notice of traffic
32 infraction or citation, as provided in RCW 46.20.289;

33 (6) Is subject to suspension under RCW 46.20.305;

34 (7) Has committed one of the prohibited practices relating to
35 drivers' licenses defined in RCW ((46.20.336)) 46.20.0921; ((or))

36 (8) Has been certified by the department of social and health
37 services as a person who is not in compliance with a child support

1 order or a residential or visitation order as provided in RCW
2 74.20A.320; or
3 (9) Has committed an infraction under RCW 46.55.105.

4 **Sec. 4.** RCW 46.20.311 and 2000 c 115 s 7 are each amended to read
5 as follows:

6 (1)(a) The department shall not suspend a driver's license or
7 privilege to drive a motor vehicle on the public highways for a fixed
8 period of more than one year, except as specifically permitted under
9 RCW 46.20.267, 46.20.342, or other provision of law. Except for a
10 suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), or 74.20A.320,
11 whenever the license or driving privilege of any person is suspended by
12 reason of a conviction, a finding that a traffic infraction has been
13 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291
14 or 46.20.308, the suspension shall remain in effect until the person
15 gives and thereafter maintains proof of financial responsibility for
16 the future as provided in chapter 46.29 RCW. If the suspension is the
17 result of a violation of RCW 46.61.502 or 46.61.504, the department
18 shall determine the person's eligibility for licensing based upon the
19 reports provided by the alcoholism agency or probation department
20 designated under RCW 46.61.5056 and shall deny reinstatement until
21 enrollment and participation in an approved program has been
22 established and the person is otherwise qualified. Whenever the
23 license or driving privilege of any person is suspended as a result of
24 certification of noncompliance with a child support order under chapter
25 74.20A RCW or a residential or visitation order, the suspension shall
26 remain in effect until the person provides a release issued by the
27 department of social and health services stating that the person is in
28 compliance with the order.

29 (b)(i) The department shall not issue to the person a new,
30 duplicate, or renewal license until the person pays a reissue fee of
31 twenty dollars.

32 (ii) If the suspension is the result of a violation of RCW
33 46.61.502 or 46.61.504, or is the result of administrative action under
34 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

35 (2)(a) Any person whose license or privilege to drive a motor
36 vehicle on the public highways has been revoked, unless the revocation
37 was for a cause which has been removed, is not entitled to have the
38 license or privilege renewed or restored until the person provides

1 evidence from the court that all penalties have been paid and
2 restitution has been made, and: (i) After the expiration of one year
3 from the date the license or privilege to drive was revoked; (ii) after
4 the expiration of the applicable revocation period provided by RCW
5 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for
6 persons convicted of vehicular homicide; or (iv) after the expiration
7 of the applicable revocation period provided by RCW 46.20.265.

8 (b)(i) After the expiration of the appropriate period, the person
9 may make application for a new license as provided by law together with
10 a reissue fee in the amount of twenty dollars.

11 (ii) If the revocation is the result of a violation of RCW
12 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
13 hundred fifty dollars. If the revocation is the result of a violation
14 of RCW 46.61.502 or 46.61.504, the department shall determine the
15 person's eligibility for licensing based upon the reports provided by
16 the alcoholism agency or probation department designated under RCW
17 46.61.5056 and shall deny reissuance of a license, permit, or privilege
18 to drive until enrollment and participation in an approved program has
19 been established and the person is otherwise qualified.

20 (c) Except for a revocation under RCW 46.20.265, the department
21 shall not then issue a new license unless it is satisfied after
22 investigation of the driving ability of the person that it will be safe
23 to grant the privilege of driving a motor vehicle on the public
24 highways, and until the person gives and thereafter maintains proof of
25 financial responsibility for the future as provided in chapter 46.29
26 RCW. For a revocation under RCW 46.20.265, the department shall not
27 issue a new license unless it is satisfied after investigation of the
28 driving ability of the person that it will be safe to grant that person
29 the privilege of driving a motor vehicle on the public highways.

30 (3)(a) Whenever the driver's license of any person is suspended
31 pursuant to Article IV of the nonresident violators compact or RCW
32 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
33 to the person any new or renewal license until the person pays a
34 reissue fee of twenty dollars.

35 (b) If the suspension is the result of a violation of the laws of
36 this or any other state, province, or other jurisdiction involving (i)
37 the operation or physical control of a motor vehicle upon the public
38 highways while under the influence of intoxicating liquor or drugs, or

1 (ii) the refusal to submit to a chemical test of the driver's blood
2 alcohol content, the reissue fee shall be one hundred fifty dollars.

3 **Sec. 5.** RCW 46.55.085 and 1993 c 121 s 1 are each amended to read
4 as follows:

5 (1) A law enforcement officer discovering an unauthorized vehicle
6 left within a highway right of way shall attach to the vehicle a
7 readily visible notification sticker. The sticker shall contain the
8 following information:

9 (a) The date and time the sticker was attached;

10 (b) The identity of the officer;

11 (c) A statement that if the vehicle is not removed within twenty-
12 four hours from the time the sticker is attached, the registered owner
13 will have committed the traffic infraction of littering--abandoned
14 vehicle and the vehicle may be taken into custody and stored at the
15 owner's expense; and

16 (d) The address and telephone number where additional information
17 may be obtained.

18 (2) If the vehicle has current Washington registration plates, the
19 officer shall check the records to learn the identity of the last owner
20 of record. The officer or his department shall make a reasonable
21 effort to contact the owner by telephone in order to give the owner the
22 information on the notification sticker.

23 (3) If the vehicle is not removed within twenty-four hours from the
24 time the notification sticker is attached, the law enforcement officer
25 may take custody of the vehicle and provide for the vehicle's removal
26 to a place of safety. A vehicle that does not pose a safety hazard may
27 remain on the roadside for more than twenty-four hours if the owner or
28 operator is unable to remove it from the place where it is located and
29 so notifies law enforcement officials and requests assistance.

30 (4) For the purposes of this section a place of safety includes the
31 business location of a registered tow truck operator.

32 **Sec. 6.** RCW 46.55.105 and 1999 c 86 s 5 are each amended to read
33 as follows:

34 (1) The abandonment of any vehicle creates a prima facie
35 presumption that the last registered owner of record is responsible for
36 the abandonment and is liable for costs incurred in removing, storing,

1 and disposing of the abandoned vehicle, less amounts realized at
2 auction.

3 (2) If an unauthorized vehicle is found abandoned under subsection
4 (1) of this section and removed at the direction of law enforcement,
5 the last registered owner of record is guilty of ((a)) the traffic
6 infraction of "littering--abandoned vehicle," unless the vehicle is
7 redeemed as provided in RCW 46.55.120. In addition to any other
8 monetary penalty payable under chapter 46.63 RCW, the court shall not
9 consider all monetary penalties as having been paid until the court is
10 satisfied that the person found to have committed the infraction has
11 made restitution in the amount of the deficiency remaining after
12 disposal of the vehicle under RCW 46.55.140.

13 (3) A vehicle theft report filed with a law enforcement agency
14 relieves the last registered owner of liability under subsection (2) of
15 this section for failure to redeem the vehicle. However, the last
16 registered owner remains liable for the costs incurred in removing,
17 storing, and disposing of the abandoned vehicle under subsection (1) of
18 this section. Nothing in this section limits in any way the registered
19 owner's rights in a civil action or as restitution in a criminal action
20 against a person responsible for the theft of the vehicle.

21 (4) Properly filing a report of sale or transfer regarding the
22 vehicle involved in accordance with RCW 46.12.101(1) relieves the last
23 registered owner of liability under subsections (1) and (2) of this
24 section. If the date of sale as indicated on the report of sale is on
25 or before the date of impoundment, the buyer identified on the latest
26 properly filed report of sale with the department is assumed liable for
27 the costs incurred in removing, storing, and disposing of the abandoned
28 vehicle, less amounts realized at auction. If the date of sale is
29 after the date of impoundment, the previous registered owner is assumed
30 to be liable for such costs. A licensed vehicle dealer is not liable
31 under subsections (1) and (2) of this section if the dealer, as
32 transferee or assignee of the last registered owner of the vehicle
33 involved, has complied with the requirements of RCW 46.70.122 upon
34 selling or otherwise disposing of the vehicle, or if the dealer has
35 timely filed a transitional ownership record or report of sale under
36 RCW 46.12.103. In that case the person to whom the licensed vehicle
37 dealer has sold or transferred the vehicle is assumed liable for the
38 costs incurred in removing, storing, and disposing of the abandoned
39 vehicle, less amounts realized at auction.

1 (5) For the purposes of reporting notices of traffic infraction to
2 the department under RCW 46.20.270 and 46.52.101, and for purposes of
3 reporting notices of failure to appear, respond, or comply regarding a
4 notice of traffic infraction to the department under RCW
5 46.63.070(~~(+5)~~) (6), a traffic infraction under subsection (2) of this
6 section is not considered to be a standing, stopping, or parking
7 violation.

8 (6) A notice of infraction for a violation of this section may be
9 filed with a court of limited jurisdiction organized under Title 3, 35,
10 or 35A RCW, or with a violations bureau subject to the court's
11 jurisdiction.

12 **Sec. 7.** RCW 46.55.110 and 1999 c 398 s 6 are each amended to read
13 as follows:

14 (1) When an unauthorized vehicle is impounded, the impounding
15 towing operator shall notify the legal and registered owners of the
16 impoundment of the unauthorized vehicle and the owners of any other
17 items of personal property registered or titled with the department.
18 The notification shall be sent by first-class mail within twenty-four
19 hours after the impoundment to the last known registered and legal
20 owners of the vehicle, and the owners of any other items of personal
21 property registered or titled with the department, as provided by the
22 law enforcement agency, and shall inform the owners of the identity of
23 the person or agency authorizing the impound. The notification shall
24 include the name of the impounding tow firm, its address, and telephone
25 number. The notice shall also include the location, time of the
26 impound, and by whose authority the vehicle was impounded. The notice
27 shall also include the written notice of the right of redemption and
28 opportunity for a hearing to contest the validity of the impoundment
29 pursuant to RCW 46.55.120.

30 (2) In addition, if a suspended license impound has been ordered,
31 the notice must state the length of the impound, the requirement of the
32 posting of a security deposit to ensure payment of the costs of
33 removal, towing, and storage, notification that if the security deposit
34 is not posted the vehicle will immediately be processed and sold at
35 auction as an abandoned vehicle, and the requirements set out in RCW
36 46.55.120(1)(b) regarding the payment of the costs of removal, towing,
37 and storage as well as providing proof of satisfaction of any
38 penalties, fines, or forfeitures before redemption. The notice must

1 also state that the registered owner is ineligible to purchase the
2 vehicle at the abandoned vehicle auction, if held.

3 (3) In the case of an abandoned vehicle, or other item of personal
4 property registered or titled with the department, within twenty-four
5 hours after receiving information on the owners from the department
6 through the abandoned vehicle report, the tow truck operator shall send
7 by certified mail, with return receipt requested, a notice of custody
8 and sale to the legal and registered owners and of the penalties for
9 the traffic infraction littering--abandoned vehicle.

10 (4) If the date on which a notice required by subsection (3) of
11 this section is to be mailed falls upon a Saturday, Sunday, or a postal
12 holiday, the notice may be mailed on the next day that is neither a
13 Saturday, Sunday, nor a postal holiday.

14 (5) No notices need be sent to the legal or registered owners of an
15 impounded vehicle or other item of personal property registered or
16 titled with the department, if the vehicle or personal property has
17 been redeemed.

18 **Sec. 8.** RCW 46.63.030 and 1995 c 219 s 5 are each amended to read
19 as follows:

20 (1) A law enforcement officer has the authority to issue a notice
21 of traffic infraction:

22 (a) When the infraction is committed in the officer's presence;

23 (b) When the officer is acting upon the request of a law
24 enforcement officer in whose presence the traffic infraction was
25 committed; or

26 (c) If an officer investigating at the scene of a motor vehicle
27 accident has reasonable cause to believe that the driver of a motor
28 vehicle involved in the accident has committed a traffic infraction.

29 (2) A court may issue a notice of traffic infraction upon receipt
30 of a written statement of the officer that there is reasonable cause to
31 believe that an infraction was committed.

32 (3) If any motor vehicle without a driver is found parked,
33 standing, or stopped in violation of this title or an equivalent
34 administrative regulation or local law, ordinance, regulation, or
35 resolution, the officer finding the vehicle shall take its registration
36 number and may take any other information displayed on the vehicle
37 which may identify its user, and shall conspicuously affix to the
38 vehicle a notice of traffic infraction. In the case of an abandoned

1 vehicle, the notice must be entitled "Littering--Abandoned Vehicle,"
2 and give notice of the monetary penalty.

3 (4) In the case of failure to redeem an abandoned vehicle under RCW
4 46.55.120, upon receiving a complaint by a registered tow truck
5 operator that has incurred costs in removing, storing, and disposing of
6 an abandoned vehicle, an officer of the law enforcement agency
7 responsible for directing the removal of the vehicle shall send a
8 notice of infraction by certified mail to the last known address of the
9 registered owner of the vehicle. The officer shall append to the
10 notice of infraction, on a form prescribed by the department of
11 licensing, a notice indicating the amount of costs incurred as a result
12 of removing, storing, and disposing of the abandoned vehicle, less any
13 amount realized at auction, and a statement that monetary penalties for
14 the infraction will not be considered as having been paid until the
15 monetary penalty payable under this chapter has been paid and the court
16 is satisfied that the person has made restitution in the amount of the
17 deficiency remaining after disposal of the vehicle.

18 **Sec. 9.** RCW 46.63.110 and 1997 c 331 s 3 are each amended to read
19 as follows:

20 (1) A person found to have committed a traffic infraction shall be
21 assessed a monetary penalty. No penalty may exceed two hundred and
22 fifty dollars for each offense unless authorized by this chapter or
23 title. For the commission of littering--abandoned vehicle under RCW
24 46.55.105(2), the department shall suspend the driver's license of the
25 person until all penalties are paid.

26 (2) The supreme court shall prescribe by rule a schedule of
27 monetary penalties for designated traffic infractions. This rule shall
28 also specify the conditions under which local courts may exercise
29 discretion in assessing fines and penalties for traffic infractions.
30 The legislature respectfully requests the supreme court to adjust this
31 schedule every two years for inflation.

32 (3) There shall be a penalty of twenty-five dollars for failure to
33 respond to a notice of traffic infraction except where the infraction
34 relates to parking as defined by local law, ordinance, regulation, or
35 resolution or failure to pay a monetary penalty imposed pursuant to
36 this chapter. A local legislative body may set a monetary penalty not
37 to exceed twenty-five dollars for failure to respond to a notice of
38 traffic infraction relating to parking as defined by local law,

1 ordinance, regulation, or resolution. The local court, whether a
2 municipal, police, or district court, shall impose the monetary penalty
3 set by the local legislative body.

4 (4) Monetary penalties provided for in chapter 46.70 RCW which are
5 civil in nature and penalties which may be assessed for violations of
6 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
7 are not subject to the limitation on the amount of monetary penalties
8 which may be imposed pursuant to this chapter.

9 (5) Whenever a monetary penalty is imposed by a court under this
10 chapter it is immediately payable. If the person is unable to pay at
11 that time the court may, in its discretion, grant an extension of the
12 period in which the penalty may be paid. If the penalty is not paid on
13 or before the time established for payment the court shall notify the
14 department of the failure to pay the penalty, and the department shall
15 suspend the person's driver's license or driving privilege until the
16 penalty has been paid and the penalty provided in subsection (3) of
17 this section has been paid.

18 (6) In addition to any other penalties imposed under this section
19 and not subject to the limitation of subsection (1) of this section, a
20 person found to have committed a traffic infraction shall be assessed
21 a fee of five dollars per infraction. Under no circumstances shall
22 this fee be reduced or waived. Revenue from this fee shall be
23 forwarded to the state treasurer for deposit in the emergency medical
24 services and trauma care system trust account under RCW 70.168.040.

25 NEW SECTION. **Sec. 10.** The legislature respectfully requests the
26 Washington state supreme court to set the fine for littering--abandoned
27 vehicle at two hundred fifty dollars.

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